

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL S. MURRAY,

Plaintiff,

-against-

SERGEANT FOX, et al.,

Defendants.

25-CV-5604 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at Warren County Jail, brings this *pro se* action under 42 U.S.C. § 1983, asserting claims that arose at Green Haven Correctional Facility. For the following reasons, the complaint is dismissed.

Plaintiff has previously submitted to this court a substantially similar complaint against the same Defendants bringing the same claims from Green Haven Correctional Facility. That case is pending before the Honorable Cathy Seibel of this Court under docket number 25-CV-4880 (CS). Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 25-CV-4880 (CS).

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, and the fact that the Court has not yet ruled on Plaintiff's *in forma pauperis* application, the Court directs: (1) the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and (2) the Warden or Superintendent having custody of Plaintiff not to deduct or encumber funds from Plaintiff's prison trust account for this duplicate lawsuit.

CONCLUSION

The Court dismisses this action as duplicative of Plaintiff's pending action in 25-CV-4880 (CS).

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: July 11, 2025
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge